

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WALTER COLUMBUS SIMMONS,)
)
)
Plaintiff,)
)
v.) 1:13CV1117
)
)
GRAHAM ATKINSON, et al.,)
)
)
Defendant(s).)

ORDER

On January 14, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 3 and 4.) On January 21, 2014, Plaintiff filed a document stating, in part, that "I would like to appeal this case number - 1:13CV1117." (Doc. 5.) Plaintiff does not specifically indicate the nature of the appeal he seeks. However, because a Recommendation has been entered, this court will construe the request to appeal as objections to the Recommendation. See Fed. R. Civ. P. 72(b)(2) ("Within 14 days after being served with a copy of the recommended disposition, a party may serve and file . . . objections.").

The court has appropriately reviewed the Magistrate Judge's report and has made a de novo determination which is in accord

with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that this action is dismissed without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, correcting the defects set out in the Order and Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 30th day of April, 2014.

William L. Ostan, Jr.

United States District Judge